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Gabin Vic

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EXAMINER

VENKAT, JYOTHSNA A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner informed the attorney that art is no longer applicable in view of pre-appeal and prosecution is being reopened, however if applicants' limit the claim 1 to elected species, which are (1) dye derivatives as the cosmetically active compound; (2)(a) chemical activation as the method of non-reducing activation; (2)(b) polyalkyleneimines as the compound capable of chemical non-reducing activation of hair; and (3) nucleophilic substitution reactions as the covalent bond formation (election dated 3/5/08), then claims are allowable and canceling claims 2-10, 13-21, 23-34. Examiner requested the attorney to send this proposed amendment by fax so that claims can be reviewed. Attorney Herzfeld sent by Right Fax proposed amendment. Examiner reviewed the proposed amendment, and the proposed amendment did not delete the expression " comprising... bond with the activated hair instead claim 1 recited " A process for the cosmetic treatment of hair, comprising: a) producing activated hair by non-reducing activation of hair, where in the non-reducing activation is chemical activation comprising applying to the hair at least one polyalkylenimine, and b) applying to the activated hair at least one cosmetically active compound comprising at least one functional group capable of forming at least one covalent bond with the activated hair, wherein the at least one covalent bond is obtained after a nucleophilic substitution reaction and wherein the cosmetically activated compound is chosen from dye derivatives". Examiner informed the attorney that the proposed claim is not allowable since it is examiners understanding that the cosmetically active compound comprising at least one compound capable of forming at least one covalent bond with the activated hair is " dye derivatives" and secondly the expressions " at least one polyalkyleneimines and chosen from dye derivatives "are not allowable. Attorney then informed the examiner that examiner did not restrict the species regarding " at least one functional group " since specification at page 12 under [062] teaches reactive 4 blue dye comprising chlorotriazine functional group. Examiner then informed the attorney that example 1 clearly teaches reactive Blue 4 dye and this is applied on hair and this dye belongs to "cosmetically active compound comprising at least one functional group capable of forming at least one covalent bond with the hair". Attorney did not agree and pointed to the examiner that reactive Blue 4 dye is the "cosmetically active compound" and this has chlorotriazine functional group. Examiner also informed the attorney that specification fails to teach all the cosmetically active compounds with the functional groups claimed in claims 2-3. Prosecution was resumed since claims do not comply with written description rejection.